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DEPT. OF TRANSPORTATION  
DOCKETS

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07 August 2003

Dockets Management System  
U.S. Department of Transportation  
Room PL 401  
400 Seventh Street, SW  
Washington, D.C. 20590-0001

Dear Sir:

Re: RSPA-03-15327 (HM-206B) - 7

Air Products and Chemicals, Inc. is a leading international supplier of industrial gases and related equipment and selected chemicals. Our company has annual revenues in excess of \$5 billion, operations in over 30 countries, and 17,000 employees. Corporate headquarters are near Allentown, Pennsylvania.

We have an interest in Docket HM-206B, Hazardous Materials: Changes to the Hazard Communication Requirements, including Revision of Design of Labels and Placards for Materials Poisonous by Inhalation (PIH), and we are, therefore, providing our comments to this Notice of Proposed Rulemaking (NPRM). Air Products is both a shipper and carrier of hazardous materials in both bulk and non-bulk packaging utilizing all modes of transportation.

Air Products supports the intended effect of the proposed regulation to improve the safety of emergency responders and the public, and of offerers and transporters of hazardous materials. We believe the rulemaking's proposals will clarify several confusing regulations, assist shippers and carriers with hazardous materials compliance, and enhance hazard communication and emergency response. As a result, we are providing the following comments in support of this NPRM.

Materials Poisonous by Inhalation (PIH)

Air Products supports the changes to the poison inhalation labels and placards for both liquids (Division 6.1) and gases (Division 2.3), as this will enhance their identification for emergency responders. The docket proposes to enlarge the upper black diamond above the horizontal centerline and, proportionally, the skull and crossbones symbol at the top of the placards and labels to conform, pictorially, in size to the symbol on the poison placard and label used for

poisons other than PIH materials. In addition, to allow space for the identification number, DOT proposes allowing the lower point of the upper black diamond to impinge on space used to display an identification number marking on a PIH placard. Air Products believes this proposed new PIH label and placard with enlarged skull and crossbones and other redesign will support hazard communication requirements by making the labels and placards more visible to identify PIH Materials. We also appreciate the proposed transition dates for continued use of the new PIH labels and placards with smaller size symbols.

Air Products requests the DOT to continue its work with the UN Committee of Experts on the Transport of Dangerous Goods to have the U.S. PIH placarding and labeling regulations adopted by the international regulatory agencies. The ability to quickly recognize hazardous materials that are toxic by inhalation is essential to emergency responders and others handling such materials. Commerce would be facilitated if the U.S. regulations for PIH placards and labels were implemented by the International Civil Aviation Organization and the International Maritime Organization.

We also ask the DOT to consider how modifications to the existing specifications for PIH placards and labels might potentially impact U.S. efforts to obtain acceptance of PIH hazard communication requirements by the UN Committee and other international regulatory parties.

#### Hydrogen Fluoride, Anhydrous, and Similar Materials

Air Products agrees with DOT's proposal to clarify 49CFR Sec. 172.400 and 172.504 to require an inhalation hazard label or placard for all materials that meet the definition of a PIH material in Sec 171.8. This will correct an issue in the HM-206 final rule affecting PIH materials such as Hydrogen fluoride, anhydrous that was not specifically addressed in the requirements for labeling and placarding PIH materials in Division 6.1.

#### Placarding Requirement for Residues (When PIH Subsidiary)

Our company agrees with the proposal to clarify that the exception in Sec 173.29 (c) does not apply to the residue of PIH materials. The docket states it was not intended to apply to the residue of a material shipped in non-bulk packages that has a subsidiary PIH hazard requiring the vehicle to be placarded. Effective hazard communication is necessary for such materials.

#### Cylinder Markings in Accordance with CGA Pamphlet C-7

As a Compressed Gas Association (CGA) member company, Air Products supports the proposal to allow the same labeling exception in Sec 172.400a(a)(1) for common carriers as authorized for private and contract motor carriers in using the CGA Pamphlet C-7 compress gas-labeling alternative. CGA's petition to allow common motor carriers to transport Division 2.1 or Division 2.2 gases in cylinders or dewars marked per CGA pamphlet C-7 makes sense. Shipping experience indicates this alternative marking clearly communicates the hazards associated with Division 2.1 or Division 2.2 gases.

### Placarding Exception for Class 9 Materials (Domestic)

We believe it will be beneficial to revise Sec 172.504 (f)(9) to clarify that the Class 9 placarding exception applies to international shipments of Class 9 materials while being transported in the United States. This clarification will minimize misunderstanding.

### Emergency Response Telephone Number Requirements

The proposal to revise Sec 172.604 to indicate that beeper numbers and call-back systems that force an emergency responder to wait for a return telephone call do not meet the intent of the Hazardous Materials Regulations will clarify shipper and carrier misunderstanding of "immediate access." Air Products supports DOT's emergency response telephone number requirements in Sec. 172.604 (a) (2) that provide responsible options for ensuring immediate access to emergency response information is available.

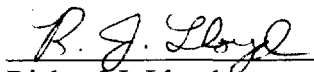
### Residues of Class 9 (Miscellaneous) Hazardous Substances, When Less than RQ Remains

Air Products supports the proposal to amend Sec 172.514 (b) to allow the markings and placards to remain on a returning railcar that contains the residue of a hazardous substance that only meets the definition of a Class 9 material, as is not a hazardous waste or marine pollutant. This change will eliminate confusion and help shipper's compliance when returning railcars containing a residue of a hazardous substance.

### Clarification of the Emergency Response Information and Training Requirements for Combustible Liquids

Similar to many of the above proposals in this docket, it will be helpful to revise Sec 173.150 (f)(3) to clarify emergency response information and hazardous materials training apply to shipments of combustible liquids in bulk or to a combustible liquid that is a hazardous substance, hazardous waste, or a marine pollutant. Bulk combustible liquid shipments should not be excepted from the emergency response and training provisions of the Hazardous Materials Regulations. This may adversely impact safety.

Air Products appreciates the efforts of the Department of Transportation in issuing this Notice of Proposed Rulemaking. We respectfully request the Department's consideration of our comments. We believe the proposed changes will improve hazard communication and emergency response.

  
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Richard J. Lloyd  
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Regulatory Compliance